

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

GENERAL ELECTRIC COMPANY,  
(f/d/b/a GE APPLIANCES DIVISION),  
a New York Corporation,

Plaintiff, )

VS. )

GUINEY DELIVERY SERVICE, INC., )  
an Illinois Corporation, )

Defendant. )

No. 08 C 1618

Magistrate Judge Keys  
Judge Marovich

## Joint Status Report

- A. This matter is set for an initial status hearing on May 6, 2008 at 11:00 A.M.
- B. The attorneys of record for Plaintiff, General Electric Company (f/d/b/a GE Appliances Division) (hereinafter “GE”), are Riccardo A. DiMonte and Liza B. Balistreri. The attorneys of record for Defendant, Guiney Delivery Service, Inc. (hereinafter "Guiney") are Bart Murphy and Thomas Hayes. Riccardo A. DiMonte is expected to try the case on behalf of GE, and Bart Murphy is expected to try the case on behalf of Guiney.
- C. GE alleges this Court has Federal Jurisdiction based on the Carmack Amendment, 49 USC § 14706, et seq., because Guiney is an interstate carrier.
- D. A jury has not yet been requested. Should the case advance past the pleadings stage, Guiney will request a Jury Trial.
- E.
  1. This case involves allegations of a breach of a Delivery Agreement between GE and Guiney. The parties acknowledge the existence of the Delivery Agreement. Guiney has not yet filed a response to the Complaint. This Court granted Guiney’s Unopposed Motion to Extend Deadline to File Responsive Pleading and extended the deadline to May 1, 2006.
  2. GE alleges Guiney failed to deliver \$180,000 worth of appliances pursuant to the Delivery Agreement. Guiney contends that it delivered the merchandise based on GE’s specifications and instructions.

- F. GE is seeking approximately \$180,000 from Guiney for Guiney's alleged failure to deliver equipment. GE admits that it is withholding \$80,000 for unpaid invoices as a set-off.
- G. Richard McCarty of Guiney was served with the summons.
- H. At this time, GE does not anticipate any motions to be filed on its behalf. Guiney intends to file a Motion to Dismiss based on the arbitration clause contained in the Delivery Agreement.
- I. 60 days to complete written; 60 days thereafter to take party depositions; 120 days to complete fact witness depositions. A proposed discovery cutoff for July 1, 2009.
- J. We propose a trial date in September 2009 with a probable length of five days.
- K. The parties have conducted brief settlement discussions. Guiney offered the \$80,000 that GE is withholding and an additional payment of \$15,000 to GE. GE countered with a demand of the \$80,000 plus an additional payment of \$90,000.
- L. GE consents to a trial before a magistrate judge. Guiney is strongly considering it.

Respectfully submitted,

/s/ Liza B. Balistreri  
Attorney for Plaintiff

/s/ Thomas J. Hayes  
Attorney for Defendant

Riccardo A. DiMonte  
ARDC: 6191706  
Liza B. Balistreri  
ARDC: 6288990  
DiMonte & Lizak, LLC  
216 W. Higgins Road  
Park Ridge, IL 60068  
(847) 698-9600

Bart T. Murphy  
ARDC: 6181178  
Thomas J. Hayes  
ARDC: 6280179  
Ice Miller, LLP  
2300 Cabot Dr., Suite 455  
Lisle Illinois 60532  
(630) 857-7616